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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,821	10/15/2003	Mark Steven Boggs	2002P20758US01	5269

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER	
CHOE, YONG J	

ART UNIT	PAPER NUMBER
2185	

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09/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/685,821	BOGGS ET AL.
	Examiner	Art Unit
	YONG CHOE	2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2008*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,35 and 36* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-15,35 and 36* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/27/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The instant application having Application No. 10/685821 has a total of 17 claims pending in the application. There are 4 independent claims (e.g., claim 1,6,35 and 36) and 13 dependent claims, all of which are ready for examination by the examiner.

2. The objection to the claims 1,6,35 and 36 regarding the “PLC” has been withdrawn as necessitated by amendment.

3. Applicant's arguments with respect to claims 1-6, 10-15, 35 and 36 have been considered but are moot in view of the **new ground(s) of rejection**.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/18/2008 has been entered.

Information Disclosure Statement

5. As required by M.P.E.P. 609 (C), the applicant’s submission of the information Disclosure Statement dated 05/27/2008 is acknowledged by the

examiner and the cited references have been considered in the examination of the claims now pending. As required by M.P.E.P. 609 C(2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Claim Objections

6. **Claims 1,6,35 and 36** are objected to because of the following informalities:

Regarding claims 1,6,35 and 36, the newly added claim limitation "the location a memory segment of the memory cartridge" recited in claims 1,6,35 and 36 is grammatically and idiomatically incorrect. According to applicant's specification, "the location of memory segment of the memory cartridge" is appropriate. Therefore, this will be interpreted as "the location of memory segment of the memory cartridge".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 1,2,6,35 and 36** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The amended claim(s) contains subject matter which was not described in the specification in

such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1,6,35 and 36, the claim limitation “a first head marker of the data log file indicative of a location for storage of a next data log record, the location a memory segment of the memory cartridge, the PLC adapted to change the head marker to a record marker responsive to storage of the next data log record” recited in claims 1,6,35 and 36 is not described in either applicant’s specification or drawing.

Regarding claim 2, applicant’s specification clearly teaches the PLC can disable and/or eliminate the older, duplicate head marker and changing the value of a binary bit can disable the older, duplicate head marker. However, the newly added claim limitation “the PLC adapted to change a value of a binary bit and thereby disable an erroneous head marker responsive to a determination that the first head marker and the erroneous head marker are turned on simultaneously due to a power failure” recited in claim 2 is not described in either applicant's specification or drawing.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

> said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. **Claims 1,3-6, 10-15, 35 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hyatt (US Patent No.: US 5,485,590)** in view of **Wang (US Patent No.: US 6,631,478)** and further in view of **Harrison (US Patent No.: US 6,421,071)**.

Regarding independent claims 1, 6, 35 and 36, Hyatt discloses a method for utilizing a memory cartridge (col.6, lines 55-59: program protocol cartridge ROM A1, A2, B1 and B2) connected to a Programmable Logic Controller (PLC) (col.1, line 8: programmable controller), the memory cartridge (col.6, lines 55-59: program protocol cartridge ROM A1, A2, B1 and B2) comprising a plurality of memory segments (col.6, lines 63-66: subdivided into sections), the method comprising a plurality of activities comprising:

Hyatt further teaches the PLC adapted to receive an input value corresponding to a process variable from a recipe stored on the memory cartridge (col.7, lines 1-4: Another block of memory locations 72 stores initialization data for the port program, while status messages which the port program displays on terminal 18 are stored in another section 73), a structure of the recipe stored separately from the recipe (col.7, lines 45-52: The structure of the data block 80 for one inquiry stored in module RAM 28 is depicted in FIG. 6. The stored inquiries are consecutively numbered and the first word of the data block has a byte 81 which contains that number. The other byte 82 of the first word indicates the number of the parameter to which the inquiry relates), the input value usable by a program of the PLC to render a product associated with the PLC makable (col.6, lines 60-67: A sizeable portion 71 of each protocol cartridge ROM contains the program code for execution by the associated I/O port microprocessor 34a-c).

However, Hyatt does not specifically teach providing a default identifying stamp for records in a data log file, a structure for the data log file stored separately from the data log file in the memory cartridge; and obtaining a request to provide the data log file.

Wang teaches providing a default identifying stamp for records in a data log file (Fig.3; and col.1, lines 51-65; and col.10, lines 31-36: data log 314) (col.10, lines 45-59: the data log of Wang is responsible for maintaining a record of update transactions and the data log is accessed by a system manager, thus Wang teaches the default identifying for records in a data log should be provided), a structure for the data log file (Fig.3 and col.10, lines 31-36: data structure 310) stored separately from the data log file in the memory cartridge (Fig.3: shared memory) (Fig.3 and col.10, lines 31-36: data log 314); and obtaining a request to provide the data log file (Fig.3 and col.9, lines 42-54 and col.10, lines 8-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the computer network system as taught by Wang into the programmable controller communication interface module of Hyatt in order to provide improved techniques for implementing stable storage in conventional computer systems (col.2, lines 23-25). Therefore, it would have been obvious to combine the computer network system as taught by Wang with the programmable controller communication interface module of Hyatt to obtain the invention.

However, Hyatt and Wang do not specifically teach a first head marker of the data log file indicative of a location for storage of a next data log record, the location of memory segment of the memory cartridge, the PLC adapted to change the head marker to a record marker responsive to storage of the next data log record.

Harrison clearly teaches a first head marker (i.e., time stamps at the beginning of log files) of the data log file indicative of a location for storage of a next data log record (i.e., the other window displays the portion of next log files that had that same time stamp), the location of memory segment of the memory cartridge (col.2, lines 5-28: The user selects a set of log files to be viewed simultaneously on the screen of a computer. In the case of automated testing log files, they contain time stamps at the beginning of each line, e.g. "1999-02-08 14:03:48" (year-month-date hour:minute:second), indicating the time at which the data on that line was generated. If the lines of the log file being displayed in the controlling window had time stamps of "1999-02-08 14:07:23", the other windows would display the portion of their log files that had that same time stamp. If the log files didn't contain lines of data with that exact time stamp, they would display log file data that had a time stamp nearest in time to that time stamp. Therefore, the next log files (i.e., next data log record) are shown based on the time stamps (i.e., first head marker) located at the beginning of the first log file (i.e., first data log file).), the PLC adapted to change the head marker to a record marker responsive to storage of the next data log record (col.3, lines 3-20: After the user selects the files to be viewed, a software function in CPU 10 generates a list of unique time stamps and file positions associated with each unique time stamp for each log file, then populates arrays in register 50 with this information (one array per log file)).

Harrison further teaches prompting a user to select an identifying stamp for records in a data log file (Fig.1 and col.2, lines 66-67 and col.3, lines 1-3: a user input may comprise a specification of a particular group of log files that are desired to be viewed simultaneously on display 40. In practice, the user has a list of directories and a list of the available log files for each of the directories. From these lists, the user may select a group of log files for simultaneous viewing in separate windows of display 40 and for synchronized scrolling with respect to a common parameter or reference, in this instance a time stamp).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate displaying the group of log files with respect to a common parameter, such as a time stamp as taught by Harrison into the programmable controller communication interface module of Hyatt as modified by Wang in order to switch back and forth between log files to view information occurring at similar time stamps (col.1, lines 12-14). Therefore, it would have been obvious to combine displaying the group of log files with respect to a common parameter, such as a time stamp as taught by Harrison into the programmable controller communication interface module of Hyatt as modified by Wang to obtain the invention.

Regarding claims 3-5, Wang teaches providing to a storage device (such as output device, user interface device) the data log file comprising process data records comprising the identifying stamp (col.1, lines 51-65 and examiner reads devices listed in claims 3-5 as the memory cartridge. Thus, claims 3-5 are analyzed as claim 1).

Harrison further teaches the PLC adapted to create a second head marker responsive to storage of the next data record (col.2, lines 5-10).

Regarding claim 10, Wang teaches obtaining a request to provide the data log file (Fig.3 and col.9, lines 42-54 and col.10, lines 8-17).

Regarding claims 11-15, Wang teaches providing the data log file to the memory cartridge (such as storage device, output device, user interface device), the data log file comprising a process data record further comprising the identifying stamp (Fig.3 and col.10, lines 31-36 and examiner reads devices listed in claims 13-15 as the memory cartridge. Thus, claims 13-15 are analyzed as claim 12).

11. **Claims 7, 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hyatt (US Patent No.: US 5,485,590)** in view of **Wang (US Patent No.: US 6,631,478)** and further in view of **Harrison (US Patent No.: US 6,421,071)** and **Gregory (US Patent No.: US 6,182,246)**.

Regarding claims 7, 8 and 9, Hyatt, Wang and Harrison do not specifically teach wherein the identifying stamp relates to a date, time and device identifier.

However, Gregory teaches wherein the identifying stamp relates to a date, time and device identifier (col.10, lines 41-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the date and time stamp as taught by Gregory into the programmable controller communication interface module of Hyatt as modified by Wang and Harrison in order to keep these accurate (col.10, line 44). Therefore, it would have been obvious to combine the date and time stamp as taught by Gregory with the programmable controller communication interface module of Hyatt as modified by Wang and Harrison to obtain the invention.

Allowable Subject Matter

12. **Claim 2** is objected to as being dependent upon a rejected base claim, but would be allowable if overcome 112 rejection and if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: **Claim 2** would be allowable over the prior art of record because the newly added claim limitation "the PLC adapted to change a value of a binary bit and thereby disable an erroneous head marker responsive to a determination that the first head marker of the data log file indicative of a location for storage of a next data log record and the erroneous head marker are turned on simultaneously due to a power failure" recited in claim 2 in combination with the other features of the claims are not recited or suggested by the prior art of records.

Conclusion

13. Any inquiry concerning this comm1unication should be directed to **Yong Choe** at telephone number **571-270-1053** or email to **yong.choe@uspto.gov**. The examiner can normally be reached on M-F 9:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Sanjiv Shah** can be reached on **571-272-4098**. Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 whose telephone number is (571) 272-2100.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-irect.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YC
Yong J. Choe
Examiner / Art Unit 2185

/Sanjiv Shah/
Supervisory Patent Examiner, Art Unit 2185